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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s): Garman	
Application No.: 10/720,769	Art Unit: 1761
Filed: 11/24/2003	Examiner: Reginald Alexander
Title: HOT BEVERAGE MAKER WITH CUP-ACTUATED LOW DRIP DISPENSER	
Attorney Docket No.: HAMBE 135	

REPLY BRIEF

Mail Stop: Reply Brief
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits this Reply Brief to the Examiner's Answer mailed March 7, 2007.

Applicant appreciates the succinct response of the Examiner to applicant's Appeal Brief arguments. Applicant makes the following three points in reply.

First, with respect to the patentability of claims 1-6, applicant wants to make the record clear that it does not admit, and never has admitted, that the reservoir of Weidman can be removed from the Weidman apparatus and still be considered a "reservoir". The Examiner's Answer states applicant's Appeal Brief admits the prior art shows such a removable reservoir. To the contrary, applicant stated explicitly in its original brief and reemphasizes here that the reservoir of Weidman is not removable as claimed in claims 1-6. The only way to separate the reservoir from the device shown in

Weidman is to effect a complete disassembly and disablement of the Weidman device. There is no support for any finding of removability of a brewed beverage reservoir in the Weidman reference in a manner that could possibly allow brewed beverage to remain in the reservoir.

Second, applicant submits that claims 1-6 are patentable over the cited Weidman and Lee references. The Examiner's position with respect to the definition of removability of the brewed beverage reservoir requires ignoring the term "removably mounted" that is contained in claim 1. In short, the Examiner's position with respect to removability includes disassembling and even breaking the Weidman device. The Examiner's position ignores the basic definition of "removably mounted" that must reasonably include mounting and dismounting of the brewed beverage reservoir during normal use, while it contains a brewed beverage. Applicant respectfully submits that the Examiner's broad definition of "removably mounted" includes disassembling and breaking a device, and this definition means that any possible brewed beverage reservoir is therefore removably mounted to every possible larger assembly. This is not a reasonable interpretation of the term "removably mounted" as that term is understood in the applicant art. Because the Examiner's definition is not supportable, the rejection based on this faulty definition of "removable" must fail and the rejection is traversed.

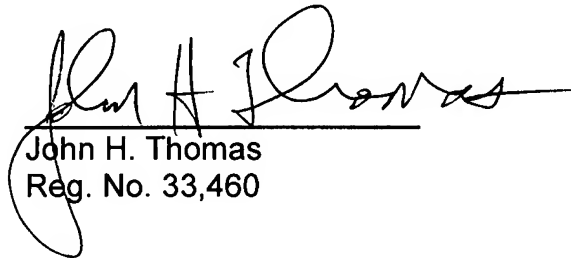
Finally, with respect to all of claims 1-11, applicant submits that the disclosure of the Lee reference speaks for itself. Applicant submits that there is no feature of the Lee disclosure, including the newly cited apertures 368 and 370, that constitutes a stem having a lower portion with a substantially inverted conical shape.

For any one or more of the foregoing reasons, and further in view of the arguments and evidence already presented to the Board, applicant submits that all of the rejections of claims 1-11 are traversed. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2127 (HAMBE135).

Respectfully submitted,

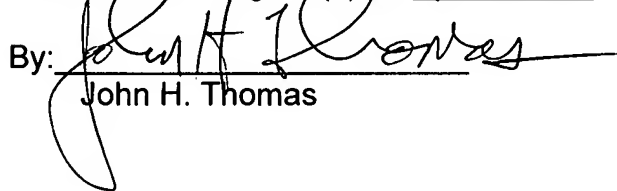
Date: April 6, 2007


John H. Thomas
Reg. No. 33,460

536 Granite Avenue
Richmond, Virginia 23226
Phone: (804) 344-8130
Fax: (804) 644-3643
E-Mail: jthomas@ip-counsel.net

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the appropriate address at the U.S. Patent and Trademark Office required under 37 C.F.R. § 1.1(a) on April 6, 2007.

By: 
John H. Thomas